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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/577,102

04/25/2006

Hendrik Hubertus Van Der Meer

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08/29/2008

NXP, B.V.

NXP INTELLECTUAL PROPERTY DEPARTMENT

M/S41-SJ

1109 MCKAY DRIVE

SAN JOSE, CA 95131

EXAMINER

BUDD, PAUL A

ART UNIT

PAPER NUMBER

2815

NOTIFICATION DATE

DELIVERY MODE

08/29/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Office Action Summary	Application No. 10/577,102	Applicant(s) VAN DER MEER ET AL.	
	Examiner PAUL A. BUDD	Art Unit 2815	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-13 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) **1** and **4-6**, drawn to an IC with a partially salicided layer,
classified in class 257, subclass 754.

Group II, claim(s) **2-3**, drawn to a Resistor, classified in class 257, subclass 538.

Group III, claim **7**, drawn to a Capacitor, classified in class 257, subclass 532.

Group IV, claim **8**, drawn to a Field Effect Transistor, classified in class 257,
subclass 384.

Group V, claim **9**, drawn to a -Volatile Memory, classified in class 257, subclass
314.

Group VI, claim **10**, drawn to a Bipolar Transistor, classified in class 257,
subclass 576.

Group VII, claim(s) **11-13**, drawn to a method of making an IC with a partially
salicided layer classified in class 438, subclass 682.

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2. The inventions listed as Groups I -VI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The common technical feature in all Groups is *“an electric device comprising a first silicon layer having a silicidated part and a non-silicidated part, and a further electric device, the further electric device comprising a dielectric layer having a dielectric layer thickness, wherein the non-silicidated part of the electric device is covered by a further dielectric layer having the dielectric layer thickness, the silicidated part not being covered by the further dielectric layer”* as recited in Claim **1** and formed in claim **11**. This device cannot be a special technical feature because the structure is shown in the prior art as follows:

3. Claims **1-13** lack an inventive step under PCT Article 33(3) as being anticipated by Yong Chan Kim (US Patent Pub. 2001/0011760). Kim discloses an Integrated circuit comprising: an electric device [FIG. 2 center capacitor device over the field oxide] comprising a first silicon layer [FIG. 3B, 35; section [0033]] having a silicidated part [FIG. 3C; 40; sections [0037]-[0040]] and a non-silicidated part [FIG. 3C; 35; sections [0037]-[0040]], and a further electric device [FIG. 2 right side resistor device over the field oxide], the further electric device [resistor] comprising a dielectric layer [39] having a dielectric layer thickness [as shown and as formed], wherein the non-silicidated part [35] of the electric device [capacitor] is covered by a further dielectric layer [the 39 over the capacitor] having the dielectric layer thickness [as shown and as formed], the silicidated part [40] not being covered [see FIG. 3C-3F] by the further dielectric layer

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[the 39 over the capacitor lower electrode]. In section [0035] Kim discloses “An insulating film 39 for the prevention of silicide is formed on the entire surface of the semiconductor substrate 31”, thus making the dielectric layer (39) the same thickness as the further dielectric layer (39).

4. Inventions I-VI and VII are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process In the instant case, a materially different process can make the device. For example, a process in which the “the patterning the layer of dielectric material to form the dielectric layer and the further dielectric layer” is not simultaneously formed.

5. This application contains claims directed to the following patentably distinct species: II, III, IV, V and VI. The species are independent or distinct because of their recognized divergent subject matter as shown by their different classifications, the search required for any one invention is not required for any of the other inventions, and/or separate examination would be required, restriction for examination purposes is proper.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim **1** (including **4-6**) is generic. An argument

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that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

6. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. Budd whose telephone number is 571-272-1664. The examiner can normally be reached on Monday to Friday 8:30 to 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Parker can be reached on 571-272-2298. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jerome Jackson Jr./

/Paul Budd/

Primary Examiner, Art Unit 2815